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SENSITIVE
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DEPARTMENT FOR EAP/MLS, EAP/RSP, G/TIP, AND DRL

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KTIP](#) [KWMN](#) [KJUS](#) [CB](#)

SUBJECT: DPM SAR KHENG SAYS LY VOUGH LENG INVESTIGATION
ONGOING DESPITE COURT DECISION TO CLOSE CASE

REF: A. PHNOM PENH 131

[B](#). 07 PHNOM PENH 1059

SENSITIVE BUT UNCLASSIFIED. NOT FOR INTERNET DISSEMINATION.

[1](#). (SBU) Summary: During a March 24 meeting with the Ambassador, Deputy Prime Minister (DPM) and Minister of Interior Sar Kheng stated that he, the Ministry of Interior, and the police are not pleased with the recent appointment of former Appeals Court President Ly Vouch Leng to a legal counsel position with the Council of Ministers. The DPM stated that despite a Phnom Penh Municipal Court decision to close the court case involving Ly Vouch Leng because of a lack of evidence of corruption in connection with a trafficking in persons case, Prime Minister Hun Sen decided that a police investigation into the corruption allegation should continue. The DPM remarked that the Ly Vouch Leng case is a manifestation of the need for larger-scale judicial reform in Cambodia beyond the scope of just trafficking-in-persons cases. End Summary.

Sar Kheng Not Pleased With Ly Vouch Leng Appointment;
Investigation Continues

[2](#). (SBU) During a March 24 meeting with the Ambassador, DPM Sar Kheng stated that the recent appointment of former Appeals Court President Ly Vouch Leng negatively affects the reputation of the RGC, in particular after all of the RGC's persistent efforts over the past two years to combat trafficking in persons (TIP). He stated that he personally, as well as the rest of the MOI and members of the police, are not pleased with the decision to give Ly Vouch Leng a staff position as a legal counsel to the Council of Ministers. The DPM stated that Prime Minister Hun Sen recently granted him permission to call a meeting with Ministry of Justice (MOJ) and court officials to gather exact information regarding why Ly Vouch Leng was not charged with corruption by the Phnom Penh Municipal Court, and for the police to continue investigating the corruption allegation. The DPM stated that police will take the case to the court again, providing they can bring to light further evidence to challenge the Phnom Penh Municipal Court findings.

Case Closed by Phnom Penh Municipal Court

[3](#). (SBU) In response to the Ambassador's request to the MOJ for information regarding the status of the court case involving Ly Vouch Leng (Ref A), the Phnom Penh Municipal Court reported that the case was closed in September 2008 for lack of evidence. According to the court's statement, the only evidence presented in the case was witness testimony, with one witness stating that he accompanied Chhun Poch, the father of Chhay Hour II perpetrator Te Pao Ly (Ref B), to Ly Vouch Leng's house where Chhun Poch handed an envelope to Ly Vouch Leng and asked her to "look after his son." Chhun Poch

was reported to have later told the witness that USD 30,000 was in the envelope. It was this witness's word against the testimony of Chhun Poch and Ly Vouch Leng who denied giving and taking the bribe, respectively. Chhun Poch testified to the court that he never met with Ly Vouch Leng. A separate witness also discredited the incriminating testimony by giving a different version of events, supporting Chhun Poch's statements that he had tried to meet with Ly Vouch Leng at the Appeals Court, not at her house. The charges of bribery against Chhun Poch were dropped, and no charges of corruption were brought against Ly Vouch Leng when the case was closed. The DPM stated that although the RGC suspected corruption by Ly Vouch Leng, when it came to gathering evidence, the investigating judge could not produce sufficient evidence to charge the former Appeals Court president. The DPM maintained that the Appeals Court overturning of the Phnom Penh Municipal Court's judgment against the Chhay Hour II perpetrators was a mistake. (Note: After the Appeals Court decision and release of the two Chhay Hour II perpetrators, the prosecutor appealed the decision to the Supreme Court, and the perpetrators were re-arrested and remain behind bars to this day. End Note.)

Ly Vouch Leng Case Highlights Need for Judicial Reform

14. (SBU) The DPM stated that he believes the situation involving Ly Vouch Leng demonstrates the need for further attention to judicial reform efforts in Cambodia. The corruption allegation is a manifestation of larger-scale problems with the judiciary, going beyond the limited sphere of anti-trafficking in persons efforts. The DPM remarked

PHNOM PENH 00000194 002 OF 002

that other areas of the RGC are seeing reform, but that the judiciary has been left behind. He said that a case like this would also be positively impacted by judicial reform efforts. The DPM stated several times that he wished he had known beforehand about Ly Vouch Leng's appointment as staff to the Council of Ministers because then he could have "done something" to stop the appointment. As it is, the appointment was announced by royal decree and could not be reversed, he said.

Comment

15. (SBU) This case reminds us of the DPM's limitations as he works to eliminate TIP in Cambodia in the midst of entrenched corruption. Even in corruption cases in the U.S. evidence of corruption is hard to come by, often requiring wiretapping and other sophisticated evidence-collection methods. Nonetheless, the DPM agreed with the Ambassador's statement that Ly Vouch Leng's continued work within the government detracts from Cambodia's reputation, and said he will have police continue to investigate the case as part of the RGC's responsibility to combat TIP. Regarding the DPM's statements that he possibly could have "done something" if he had received details earlier, we believe this is the DPM's reference to the failure of other government bodies to check corruption. Given the country's systemic corruption problems, Cambodia's journey to eliminate TIP will be a long and arduous one, but it seems that the DPM and others in the RGC believe the journey is worth it in order to achieve the goal.

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